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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,603	11/09/1999	VINCENT P. LASKO	PPC-0720	6875

7590 08/07/2006

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EXAMINER
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MATZEK, MATTHEW D

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/436,603

Applicant(s)

LASKO, VINCENT P.

Examiner

Matthew D. Matzek

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/26/2006 has been entered.

***Response to Amendment***

2. The amendment dated 6/26/2006 has been fully considered and entered into the Record. Claims 7-9 are currently active. Amended claim 7 contains no new matter. The previously applied prior art rejections have been withdrawn as they fail to teach flocked fibers surrounding a plurality of apertures.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giacometti (EP 0737462 A1) in view of Takai et al. (US 6,471,426), Gibes et al. (US 6,380,292) and Chen et al. (US 5,990,377).

a. Giacometti teaches a laminated material for the production of sanitary napkins that comprise a layer of flocked fibers (Abstract). The top sheet comprising the flocked fibers may have a perforated zone free of flocked fibers and an unperforated zone covered with fibers (col. 3, lines 43-51). This results in a patterning of adhesive on the article with the perforated (apertured) area free of adhesive and adhesively attached flock

fibers on the remainder of the article. Figures 3 and 6 clearly illustrate this embodiment.

Giacometti fails to teach the use tapered apertures originating in the second surface of the material and extending from a first surface to said second surface and project outward from said first surface.

b. Takai et al. teach a body absorbent article comprising a base layer made of hydrophilic thermoplastic synthetic resin film or nonwoven fabric with tapered apertures (Abstract and Fig.2). In Fig. 4, the first surface, (the garment facing side) is coated with an adhesive **20**, which is used to adhere flocked fibers **21**. The apertures originate in the second surface (body facing side, or top layer) and extend from said first surface to said second surface. Takai et al. is silent as to the incorporation of an additive into the adhesive composition, the use of patterned adhesive application in the applied article and the use of apertures in area not patterned with adhesive.

c. Since Giacometti and Takai et al. are from the same field of endeavor, personal absorbent articles, the purposes disclosed by Takai et al. would have been recognized in the pertinent art of Giacometti.

d. It would have been obvious at the time the invention was made to a person of ordinary skill in the art at the time the invention was made to modify the absorbent article of Giacometti with the aperture structure of Takai et al. The skilled artisan would have been motivated by the desire to create an article that directs the fluid away from the body and towards the absorbent core (col. 3, lines 9-20, Takai et al.).

e. Chen et al. teach a dual-zoned absorbent web that comprises of a top sheet with elevated and depressed areas (Abstract and Figure 5). When the elevated areas are

covered with hydrophobic fibers **50 a-d** the article is soft and feels dry while in use (Abstract). The fibers may comprise primarily short fibers and be attached to the rest of the article via adhesive. The adhesive may include hydrophilic agents (col. 37, line 53-col. 38, line 9). As shown in Figure 5 the lowest regions of the upper base sheet may be removed to form "apertures" in the top sheet which provide good access to the hydrophilic base sheet for body exudates (col. 40, line 1-5). The hydrophobic fibers may be applied in isolated or interconnected patches or in a specific pattern along the uppermost surfaces of the hydrophilic base sheet so that the skin adjacent to the cover material will preferentially contact and sense the soft hydrophobic regions (col. 38, lines 47-55). As shown in Figures 5 and 6 the elevated fiber-coated regions surround the depressed apertured areas, which allows the body to contact the soft hydrophobic fiber areas and direct liquid away from the body towards the hydrophilic absorbent sheet.

f. Since Giacometti and Chen et al. are from the same field of endeavor, personal absorbent articles, the purposes disclosed by Chen et al. would have been recognized in the pertinent art of Giacometti.

g. It would have been obvious at the time the invention was made to a person of ordinary skill in the art at the time the invention was made to modify the absorbent article of Giacometti with the short fibers surrounding the apertures. The skilled artisan would have been motivated by the desire to create an article that directs the fluid away from the body and towards the absorbent core and provide a better feel for the wearer.

h. The combination of the Giacometti, Takai et al. and Chen et al. inventions results in an absorbent article with tapered apertures (Takai), flocked fibers adhesively bonded in

Art Unit: 1771

a pattern removed from the apertured region (Giacometti), with hydrophobic fibers surrounding the apertured regions (Chen). Giacometti illustrates having flocked regions adjacent to apertured areas, but the Chen reference modifies this teaching to provide for fiber-covered areas surrounding the apertures. Therefore the combined teaching provides for flocked fiber areas surrounding the apertured areas with the motivation of creating a drier, softer feel for the wearer (Chen et al.) and quicker transfer of the liquid from the top sheet to the absorbent core (Giacometti).

***Response to Arguments***

4. Applicant's arguments with respect to claims 7-9 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is (571) 272-2423. The examiner can normally be reached on 8:30 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mdm

MOM

  
NORCA TORRES  
PRIMARY EXAMINER

August 2, 2006